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CASREF,MEDIATION

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CIVIL DOCKET FOR CASE #: 6:21-cv-06764-FPG-MJP

Andrews v. The City of Rochester et al

Assigned to: Hon. Frank P. Geraci, Jr.

Referred to: Hon. Mark W. Pedersen

Case in other court: New York State Supreme Court, e2021008171

Cause: 42:1983 Civil Rights Act

Date Filed: 12/29/2021

Jury Demand: Both

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

Masai Andrews

represented by **Donald M. Thompson**

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LEAD ATTORNEY

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V.

Defendant

The City of Rochester

a municipal entity

represented by **John M. Campolieto**

City of Rochester

Law Department

City Hall, Room 400-A

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Defendant

Tyshon Williams

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(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Shawn Jordan

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ATTORNEY TO BE NOTICED

Defendant

Alexander Elmore

represented by **John M. Campolieto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Doe Police Officers 1-200

names and number of whom are unknown at present

Defendant

Paul Romano

Defendant

Steven Kovacic

Defendant

Michael Fay

Defendant

Henry Favor

Defendant

Naser Zenelovic

Defendant

Raymond Dearcop

Defendant

Ralph Montinarelli

Defendant

Joseph Morabito

Defendant

Samuel Lucyshyn

Date Filed	#	Docket Text
12/29/2021	<u>1</u>	NOTICE OF REMOVAL by Shawn Jordan, Tyshon Williams, City of Rochester, Alexander Elmore from New York State Supreme Court, case number 2021008171. (Filing fee \$ 402 receipt number ANYWDC-4460040), filed by Shawn Jordan, Tyshon Williams, City of Rochester, Alexander Elmore. (Attachments: # <u>1</u> Appendix Index, # <u>2</u> Exhibit A, # <u>3</u> Civil Cover Sheet, # <u>4</u> Certificate of Service)(Campolieto, John) (Entered: 12/29/2021)
01/04/2022		Case Assigned to Hon. Frank P. Geraci, Jr. Notification to Chambers of on-line civil case opening. (TMK) (Entered: 01/04/2022)
01/04/2022		AUTOMATIC REFERRAL to Mediation The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution . (TMK) (Entered: 01/04/2022)
01/04/2022		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at http://www.uscourts.gov/services-forms/forms . (TMK) (Entered: 01/04/2022)
02/04/2022	<u>2</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Alexander Elmore, Shawn Jordan, The City of Rochester, Tyshon Williams. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Memorandum in Support)(Campolieto, John) (Entered: 02/04/2022)
02/04/2022	<u>3</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Alexander Elmore, Shawn Jordan, The City of Rochester, Tyshon Williams. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Memorandum in Support) (Campolieto, John) Modified on 2/7/2022 (JHF). (Entered: 02/04/2022)
02/07/2022	4	TEXT ORDER: City Defendants have filed a motion to dismiss. Responses due no later than 2/28/2022. Replies due no later than 3/7/2022. The Court will review the submissions and determine if oral argument is necessary and, if so, will notify the parties of the date and time. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 2/7/22. (BJJ) (Entered: 02/07/2022)
02/07/2022		E-Filing Notification: Please note that Clerk revised docket text of <u>3</u> to "MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM" to reflect correct filing event and <u>3</u> Motion to Dismiss for Failure to State a Claim replaces <u>2</u> Motion to Dismiss for Failure to State a Claim. (JHF) (Entered: 02/07/2022)
03/14/2022	<u>5</u>	First MOTION for Extension of Time to File Response/Reply as to <u>3</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, 4 Text Order, <i>on consent of all parties</i> by Masai Andrews.(Shields, Elliot) (Entered: 03/14/2022)
03/15/2022	6	TEXT ORDER granting <u>5</u> Motion for Extension of Time. Plaintiff may file a response by 3/18/2022, and the City may file its reply by 4/1/2022. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 3/15/2022. (MFM) (Entered: 03/15/2022)
03/16/2022	<u>7</u>	MEMORANDUM in Opposition re <u>3</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <u>2</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Masai Andrews. (Shields, Elliot) (Entered: 03/16/2022)
04/01/2022	<u>8</u>	MOTION for Extension of Time to File Response/Reply as to <u>3</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <u>7</u> Memorandum in Opposition to Motion by Alexander Elmore, Shawn Jordan, The City of Rochester, Tyshon Williams.(Campolieto, John) (Entered: 04/01/2022)
04/04/2022	9	TEXT ORDER granting <u>8</u> Motion for Extension of Time. The City's reply is due by 4/12/2022. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 4/4/2022. (MFM)

		(Entered: 04/04/2022)
04/12/2022	<u>10</u>	REPLY to Response to Motion re <u>3</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Alexander Elmore, Shawn Jordan, The City of Rochester, Tyshon Williams. (Campolieto, John) (Entered: 04/12/2022)
06/30/2022	<u>11</u>	DECISION AND ORDER granting in part and denying in part <u>3</u> Motion to Dismiss for Failure to State a Claim. The Eleventh and Twelfth Claims are DISMISSED. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 6/30/2022. (BJJ) -CLERK TO FOLLOW UP- (Entered: 06/30/2022)
06/30/2022	12	TEXT ORDER: Status Conference set for 7/21/2022 03:00 PM before Hon. Frank P. Geraci, Jr. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 6/30/2022. (BJJ) (Entered: 06/30/2022)
07/12/2022	<u>13</u>	MOTION for Extension of Time to File Answer by Alexander Elmore, Shawn Jordan, The City of Rochester, Tyshon Williams.(Campolieto, John) (Entered: 07/12/2022)
07/13/2022	14	ORDER granting <u>13</u> Motion for Extension of Time to Answer re <u>13</u> MOTION for Extension of Time to File Answer. The City of Rochester Defendants' answer is due 8/30/2022. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 7/13/2022. (MDS) (Entered: 07/13/2022)
07/15/2022	15	TEXT ORDER granting consent motion to adjourn status conference. Status Conference in all protest cases is rescheduled for August 4, 2022, at 9:00 a.m. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 7/15/2022. (BJJ) (Entered: 07/15/2022)
08/04/2022	16	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Status Conference held on 8/4/2022. The Court directs that the parties submit a plan for mediation by 9/23/22. (Court Reporter Brandi Wilkins.) (PR) (Entered: 08/04/2022)
08/26/2022	<u>17</u>	MOTION for Extension of Time to File Answer by Alexander Elmore, Shawn Jordan, The City of Rochester, Tyshon Williams.(Campolieto, John) (Entered: 08/26/2022)
08/30/2022	18	TEXT ORDER granting <u>17</u> Motion for Extension of Time to Answer. City Defendants' Answer is due on or before 9/30/2022, one week after the deadline for the parties' plan for mediation. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 8/30/2022. (MDS) (Entered: 08/30/2022)
09/26/2022	19	TEXT ORDER: Plaintiffs' Motion for Extension of Time to File Mediation Proposal is GRANTED. Mediation Proposal now due 10/21/2022. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 9/26/2022. (BJJ) (Entered: 09/26/2022)
09/30/2022	<u>20</u>	ANSWER to Complaint by Alexander Elmore, Shawn Jordan, The City of Rochester, Tyshon Williams.(Campolieto, John) (Entered: 09/30/2022)
10/21/2022	<u>21</u>	Letter filed by Masai Andrews as to Shawn Jordan, Tyshon Williams, John Doe Police Officers 1-200, The City of Rochester, Alexander Elmore <i>Plaintiffs' mediation plan for the individual damages cases</i> . (Shields, Elliot) (Entered: 10/21/2022)
11/18/2022	22	TEXT ORDER: The Court has received the parties' proposals for mediation. An in-person status conference to discuss mediation is set for 12/13/2022 at 2:30 PM before Hon. Frank P. Geraci, Jr. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 11/18/2022. (BJJ) (Entered: 11/18/2022)
12/13/2022	24	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Status Conference held on 12/13/2022. The Court has chosen five mediators to handle the mediation for the various levels of injury: Amanda Williams, Steven Modica, Carol Heckman, Hon. Jonathan W. Feldman and Hon. LaShann DeArcy Hall. The Court will enter a text order setting out

		the plan and/or schedule for participation in mediation. (Court Reporter Brandi Wilkins.) (PR) Modified on 12/19/2022 (PR). (Entered: 12/16/2022)
12/16/2022	23	TEXT ORDER: As discussed during the December 13, 2022 status conference, Amanda Williams is designated mediator in this case. The parties are directed to promptly meet and confer with the mediator to set the first mediation session. The mediator may attempt to resolve any mediation discovery-related disputes, should they arise. Fees and costs must be part of any final settlement. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 12/16/2022. (BJJ) Clerk to Follow up (Entered: 12/16/2022)
12/16/2022		Administrative statistical entry: this case was referred to the ADR program on 12/16/2022. (JDK) (Entered: 12/19/2022)
12/19/2022		E-Filing Notification: December 13, 2022 Minute Entry amended to reflect that the five mediators chosen will handle the "mediation" for the various levels of injury:... (PR) (Entered: 12/19/2022)
07/10/2023	<u>25</u>	Mediation Certification by Amanda Williams. The case has not settled mediation complete. (AGW) (Entered: 07/10/2023)
07/11/2023	26	TEXT ORDER REFERRING CASE to Hon. Mark W. Pedersen, United States Magistrate Judge, for all pretrial matters excluding dispositive motions. The parties are encouraged to consider consenting to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c). Consent forms are available from the chambers of the Magistrate Judge or the office of the Clerk of Court. The parties may give consent to a Magistrate Judge to conduct all proceedings and enter a final order dispositive of each motion; or such consent may be given for a limited purpose such as the disposition of a particular motion that would otherwise be before the District Judge in the absence of such consent. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 7/11/2023. (MFM) (Entered: 07/11/2023)
07/14/2023	<u>27</u>	ORDER: Scheduling Conference set for 8/23/2023 at 2:00 PM before Hon. Mark W. Pedersen. A joint proposed discovery plan is due to be filed at least 4 business days prior to the conference. The proceeding will take place by telephone. Using a landline telephone, Counsel is directed to call 877-402-9753, and enter access code 7137484 at the scheduled date and time. Signed by Hon. Mark W. Pedersen on 7/14/2023. (JB) (Entered: 07/14/2023)
08/16/2023	<u>28</u>	DISCOVERY PLAN by Masai Andrews.(Shields, Elliot) (Entered: 08/16/2023)
08/23/2023	<u>29</u>	SCHEDULING/CASE MANAGEMENT ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Mandatory Disclosures due by 11/3/2023. Motions to Join Parties/Amend Pleadings due by 3/13/2024. Discovery completed by 9/3/2024. Motions to Compel Discovery due by 10/1/2024. Plaintiff Expert Witness ID due by 10/1/2024. Defendant Expert Witness ID due by 11/1/2024. Dispositive Motions due by 5/1/2025.. Signed by Hon. Mark W. Pedersen on 8/23/2023. (JB) (Entered: 08/28/2023)
08/23/2023	31	Minute Entry for proceedings held before Hon. Mark W. Pedersen: Scheduling Teleconference held on 8/23/2023. Elliot Dolby Shields, Esq.; Arthur Zachary Schwartz, Esq.; Patrick B. Naylor, Esq.; John M. Campolieto, Esq.; Miguel A. Munoz, Esq.; Maria Elizabeth Rodi, Esq.; Kathleen H. McGraw, Esq.. Parties agree to a proposed schedule, Scheduling Order to be issued. (Court Reporter AT&T Conference.) (JB) (Entered: 09/06/2023)

09/02/2023	<u>30</u>	First MOTION to Amend/Correct <u>1</u> Notice of Removal, <i>Amend complaint</i> by Masai Andrews. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit Proposed Amended Complaint (clean), # <u>3</u> Exhibit Proposed Amended Complaint (redlined), # <u>4</u> Exhibit After Action reports showing supervisory defendants, # <u>5</u> Memorandum in Support)(Shields, Elliot) (Entered: 09/02/2023)
09/21/2023	<u>32</u>	TEXT ORDER granting Plaintiff's unopposed Motion to Amend or Correct (ECF No. <u>30</u>). Plaintiff is directed to file the amended complaint within seven days of the entry of this order. SO ORDERED. Signed by Hon. Mark W. Pedersen on September 21, 2023. (VSG) (Entered: 09/21/2023)
09/21/2023	<u>33</u>	AMENDED COMPLAINT against All Defendants, filed by Masai Andrews.(Shields, Elliot) (Entered: 09/21/2023)
10/18/2023	<u>34</u>	CONTINUATION OF EXHIBITS to <u>33</u> Amended Complaint. (Attachments: # <u>1</u> summons request, # <u>2</u> summons request, # <u>3</u> summons request, # <u>4</u> summons request, # <u>5</u> summons request, # <u>6</u> summons request, # <u>7</u> summons request, # <u>8</u> summons request) (Shields, Elliot) (Entered: 10/18/2023)
10/19/2023	<u>35</u>	Summons Issued as to Raymond Dearcop, Henry Favor, Michael Fay, Steven Kovacic, Samuel Lucyshyn, Ralph Montinarelli, Joseph Morabito, Paul Romano, Naser Zenelovic. (JHF) (Entered: 10/19/2023)
11/06/2023	<u>36</u>	STIPULATION OF CONFIDENTIALITY AND PROTECTIVE ORDER. Signed by Hon. Mark W. Pedersen on 11/6/2023. (JB) (Entered: 11/06/2023)
04/01/2024	<u>37</u>	First MOTION for Extension of Time to Complete Discovery by Masai Andrews.(Shields, Elliot) (Entered: 04/01/2024)
04/02/2024	<u>38</u>	TEXT ORDER granting Consolidated Motion for Extension of Time to Complete Discovery in cases 6:21-cv-06574-FPG-MJP; 6:21-cv-06708-FPG-MJP; 6:21-cv-06709-FPG-MJP; 6:21-cv-06714-FPG-MJP; 6:21-cv-06717-FPG-MJP; 6:21-cv-06719-FPG-MJP; 6:21-cv-06720-FPG-MJP; 6:21-cv-06763-FPG-MJP; 6:21-cv-06764-FPG-MJP; 6:22-cv-06062-FPG-MJP; 6:22-cv-06063-FPG-MJP; 6:22-cv-06101-FPG-MJP; 6:22-cv-06179-FPG-MJP; 6:22-cv-06180-FPG-MJP; 6:22-cv-06583-FPG-MJP. Amended Consolidated Scheduling Order to be issued. SO ORDERED. Signed by Hon. Mark W. Pedersen on 4/2/2024. (JB) (Entered: 04/02/2024)
04/12/2024	<u>40</u>	Letter filed by Masai Andrews <i>re discovery deadlines</i> . (Shields, Elliot) (Entered: 04/12/2024)
04/18/2024	<u>41</u>	<p>TEXT ORDER: The Court has reviewed the parties' joint status letter concerning the status of discovery submitted in each of the "protest" cases. The Court's most recent scheduling order included a provision directing the parties' letter to include "proposed deadlines for the City Defendants to provide discovery." The Court adopts the parties' proposed deadline for substantial completion of discovery by May 26, 2024. The Court likewise adopts the parties' proposed deadline of April 19, 2024, for additional paper discovery demands. Further, by no later than May 26, 2024, the parties are directed to submit an additional status update letter on what discovery remains in these cases so that the parties remain on track to complete all discovery by the applicable fact discovery deadline of December 2, 2024.</p> <p>Based on the parties' status letter and communications from City Counsel, the Court understands that these cases involve a massive amount of discovery. Even so, the City may wish to consider hiring a third-party discovery vendor to assist with compiling and handing over discovery to ensure that fact discovery is completed by the deadline of December 2, 2024.</p>

		SO ORDERED. Signed by Hon. Mark W. Pedersen on 4/18/2024. (JB) (Entered: 04/18/2024)
05/20/2024	42	TEXT ORDER: Case Management Teleconference set for 5/21/2024 at 10:30 AM before Hon. Mark W. Pedersen. Counsel is directed to call 877-402-9753, and enter access code 7137484 at the scheduled date and time using a telephone with a clear audio connection. Further, the use of a speakerphone affects the quality of the sound on the Court's conference system. Therefore, counsel is directed to refrain from the use of a speakerphone during this conference. SO ORDERED. Signed by Hon. Mark W. Pedersen on 5/20/2024. (JB) (Entered: 05/20/2024)
05/21/2024	44	Minute Entry for proceedings held before Hon. Mark W. Pedersen: Scheduling Conference held on 5/21/2024. Appearances: Donald M. Thompson, Esq.; Elliot Dolby Shields, Esq.; Bradley Hoppe, Esq.; Adam M. Clark, Esq.; Patrick B. Naylor, Esq.; Miguel A. Munoz, Esq.; Christopher Noone, Esq.. Parties address <i>Monell</i> discovery in the City of Rochester cases. Briefing Schedule for the City's motion on Monell discovery: Plaintiff's response to the motion/cross-motion and opposition due 7/12/2024; Defense reply to opposition and response to cross-motion due 8/9/2024; Plaintiff's reply to response to cross-motion due 8/30/2024. Amended Consolidated Scheduling Order to be issued. (Court Reporter AT&T Conference.) (JB) (Entered: 05/30/2024)
05/28/2024	<u>43</u>	SECOND AMENDED CONSOLIDATED SCHEDULING/CASE MANAGEMENT ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Motions to Join Parties/Amend Pleadings due by 8/12/2024. Discovery completed by 2/3/2025. Motions to Compel Discovery due by 3/3/2025. Plaintiff Expert Witness ID due by 3/3/2025. Defendant Expert Witness ID due by 5/30/2025. Dispositive Motions due by 9/30/2025.. Signed by Hon. Mark W. Pedersen on 5/28/2024. (JB) (Entered: 05/28/2024)
07/02/2024	<u>45</u>	First MOTION to Compel <i>letter requesting conference re discovery dispute</i> by Masai Andrews.(Shields, Elliot) (Entered: 07/02/2024)
07/03/2024	46	TEXT ORDER re <u>45</u> First MOTION to Compel <i>letter requesting conference re discovery dispute</i> filed by Masai Andrews: The Court will address counsel's concerns at the Case Management Conference set for 7/11/2024 at 11:00 AM before Hon. Mark W. Pedersen referenced in ECF No. <u>43</u> . Counsel is directed to call 877-402-9753, and enter access code 7137484 at the scheduled date and time using a telephone with a clear audio connection. Further, the use of a speakerphone affects the quality of the sound on the Court's conference system. Therefore, counsel is directed to refrain from the use of a speakerphone during this conference. SO ORDERED. Signed by Hon. Mark W. Pedersen on 7/3/2024. (JB) (Entered: 07/03/2024)
07/03/2024	<u>47</u>	ORDER directing the Clerk of the Court to ENTER DEFAULT under Fed. R. Civ. P. 55(a) against certain Defendants named in the attached order and finding as moot Plaintiff's letter application. (ECF No. 42 .) Signed by Hon. Mark W. Pedersen on 7/3/24. (Hartsough, Harrison) Clerk to Follow up (Entered: 07/03/2024)
07/05/2024		E-Filing Notification re: ECF No. <u>47</u> ORDER directing the Clerk of the Court to ENTER DEFAULT and re: ECF No. 46 TEXT ORDER re <u>45</u> First MOTION to Compel <i>letter requesting conference re discovery dispute</i> . Based on the Court's order at ECF No. <u>47</u> , the Clerk of the Court is directed to VACATE the Court's text order at ECF No. 46. SO ORDERED. Signed by Hon. Mark W. Pedersen on 7/3/2024. (JB) (Hartsough, Harrison) (Entered: 07/05/2024)

07/05/2024	<u>48</u>	AFFIDAVIT of Service for Amended Complaint served on All new defendants on 10/23/2023 and 11/1/2023, filed by Masai Andrews. (Attachments: # <u>1</u> Exhibit AOS on Romano, # <u>2</u> Exhibit AOS on Kovacic, # <u>3</u> Exhibit AOS on Fay)(Shields, Elliot) (Entered: 07/05/2024)
07/09/2024	49	TEXT ORDER: The conference currently set for Thursday, July 11, 2024, is adjourned without date. The Court will reschedule this conference when appropriate. SO ORDERED. Signed by Hon. Mark W. Pedersen on 7/9/24. (Hartsough, Harrison) (Entered: 07/09/2024)
07/10/2024	<u>50</u>	STATUS REPORT by Masai Andrews. (Shields, Elliot) (Entered: 07/10/2024)
07/10/2024	51	TEXT ORDER: Discovery Hearing set for 7/11/2024 at 11:30 AM via telephone conference before Hon. Mark W. Pedersen. Call-in information was distributed by email. SO ORDERED. Signed by Hon. Mark W. Pedersen on 7/10/24. (Hartsough, Harrison) (Entered: 07/10/2024)
07/11/2024	<u>52</u>	Vacated per <u>54</u> Case Management Order. DEFAULT JUDGMENT in favor of Masai Andrews against The City of Rochester, Alexander Elmore, Shawn Jordan, Tyshon Williams. Signed by Clerk on 7/11/24. (JHF) Modified on 7/18/2024 (JHF). (Entered: 07/11/2024)
07/11/2024	53	<p>Minute Entry for proceedings held before Hon. Mark W. Pedersen: Discovery Hearing held on 7/11/2024. Appearances: Elliot Dolby Shields, Esq., for Plaintiffs; Patrick B. Naylor, Esq., John M. Campolieto, Esq., and Christoper Noone, Esq., for City Defendants, Adam M. Clark, Esq., for County Defendants.</p> <p>Court discusses City Defendant's failure to answer in several of these cases. Court notes it must follow Federal Rules, notwithstanding any tacit understanding the parties had between each other about answer deadlines. City to file motions to resolve this issue in cases where default is to be entered (and cases where late answers were filed). Plaintiff's counsel notes he asked for City Defendants to answer by May 10.</p> <p>All parties present stipulate that ECF No. 78 in Boehner Case, No. 21-cv-6574, is operative pleading and no answer is required to it.</p> <p>City Defendants to produce all outstanding discovery (i.e., discovery already requested or ordered) by no later than August 1, 2024. Court grants Plaintiffs permission to bring motions to compel if discovery is not produced.</p> <p>Parties and Court agree to extended deadlines with respect to motions to amend/add parties and submission of proposed ESI order to the Court. Further hearing set for 8/15/2024 at 9 a.m. via telephone conference before Hon. Mark W. Pedersen. Written order to be issued concerning this conference. (Court Reporter AT&T Teleconference.) (Hartsough, Harrison) (Entered: 07/11/2024)</p>
07/12/2024	<u>54</u>	<p>CASE MANAGEMENT ORDER. The parties are directed to review this order carefully as it contains deadlines for motions the City Defendants must file, deadlines for discovery, and other directives.</p> <p>Unique to this case, this order also DIRECTS the Clerk of the Court to VACATE the default judgment entered in this case and instead enter default pursuant to Fed. R. Civ. P. 55(a). Detailed directions for this may be found in Paragraph 12 of the attached order. SO ORDERED. Signed by Hon. Mark W. Pedersen on 7/12/24. (Hartsough, Harrison)</p> <p>Clerk to Follow up (Entered: 07/12/2024)</p>

07/15/2024	<u>55</u>	TEXT ORDER re <u>54</u> Order. Having reviewed the proof of service provided by Plaintiffs, the Court now directs the Clerk of the Court to enter default under Fed. R. Civ. P. 55(a) against all defendants named in the Amended Complaint. (ECF No. <u>33</u> .) The Clerk should follow the Court's instructions in its earlier Order. (ECF No. <u>54</u> Para. 12.) SO ORDERED. Signed by Hon. Mark W. Pedersen on 7/15/24. (Hartsough, Harrison) Clerk to Follow up (Entered: 07/15/2024)
07/18/2024	<u>56</u>	Clerk's ENTRY OF DEFAULT as to Raymond Dearcop, Alexander Elmore, Henry Favor, Michael Fay, Shawn Jordan, Steven Kovacic, Samuel Lucyshyn, Ralph Montinarelli, Joseph Morabito, Paul Romano, The City of Rochester, Tyshon Williams, Naser Zenelovic. (JHF) (Entered: 07/18/2024)

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CASREF,MEDIATION

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CIVIL DOCKET FOR CASE #: 6:21-cv-06763-FPG-MJP

McCuller v. The City of Rochester et al
Assigned to: Hon. Frank P. Geraci, Jr.
Referred to: Hon. Mark W. Pedersen
Case in other court: New York State Supreme Court,
E2021008249
Cause: 42:1983 Civil Rights Act

Date Filed: 12/29/2021
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Jamia McCuller

represented by **Elliot Dolby Shields**
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212-425-1020
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

The City of Rochester

represented by **John M. Campolieto**
City of Rochester
Law Department
City Hall, Room 400-A
30 Church Street
Rochester, NY 14614-1295
(585) 428-7410
Fax: 585-428-6950
Email: campolj@cityofrochester.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Collins

represented by **John M. Campolieto**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Amber Grosch

represented by **John M. Campolieto**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elliot Dolby Shields
 (See above for address)
TERMINATED: 01/03/2022

Defendant**Justin Whitmore**

represented by **John M. Campolieto**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elliot Dolby Shields
 (See above for address)
TERMINATED: 01/03/2022

Defendant**John Doe Police Officers 1-200**

names and number of whom are unknown at present

Defendant**Henry Favor****Defendant****Raymond Dearcop****Defendant****Ralph Montinarelli****Defendant****Joseph Morabito****Defendant****Samuel Lucyshyn**

Date Filed	#	Docket Text
12/29/2021	<u>1</u>	NOTICE OF REMOVAL by City of Rochester, Justin Whitmore, Amanda Grosch, Michael Collins from New York State Supreme Court, case number E2021008249. (Filing fee \$ 402 receipt number ANYWDC-4459983), filed by City of Rochester, Justin Whitmore, Amanda Grosch, Michael Collins. (Attachments: # <u>1</u> Appendix Index, # <u>2</u> Exhibit A, # <u>3</u> Civil Cover Sheet, # <u>4</u> Certificate of Service)(Campolieto, John) (Entered: 12/29/2021)
01/04/2022		Case Assigned to Hon. Frank P. Geraci, Jr. Notification to Chambers of on-line civil case opening. (TMK) (Entered: 01/04/2022)
01/04/2022		AUTOMATIC REFERRAL to Mediation The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution .(TMK) (Entered: 01/04/2022)

01/04/2022		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at http://www.uscourts.gov/services-forms/forms . (TMK) (Entered: 01/04/2022)
02/04/2022	<u>2</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Michael Collins, Amber Grosch, The City Of Rochester, Justin Whitmore. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Memorandum in Support)(Campolieto, John) (Entered: 02/04/2022)
02/06/2022	3	TEXT ORDER: City Defendants have filed a motion to dismiss. Responses due no later than 2/28/2022. Replies due no later than 3/7/2022. The Court will review the submissions and determine if oral argument is necessary and, if so, will notify the parties of the date and time. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 2/6/22. (BJJ) (Entered: 02/06/2022)
03/14/2022	<u>4</u>	First MOTION for Extension of Time to File Response/Reply as to 3 Text Order, <u>2</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Jamia McCuller. (Shields, Elliot) (Entered: 03/14/2022)
03/15/2022	5	TEXT ORDER granting <u>4</u> Motion for Extension of Time. Plaintiff may file a response by 3/18/2022, and the City may file its reply by 4/1/2022. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 3/15/2022. (MFM) (Entered: 03/15/2022)
03/16/2022	<u>6</u>	MEMORANDUM in Opposition re <u>2</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Jamia McCuller. (Shields, Elliot) (Entered: 03/16/2022)
04/01/2022	<u>7</u>	MOTION for Extension of Time to File Response/Reply as to <u>6</u> Memorandum in Opposition to Motion, <u>2</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Michael Collins, Amber Grosch, The City Of Rochester, Justin Whitmore.(Campolieto, John) (Entered: 04/01/2022)
04/04/2022	8	TEXT ORDER granting <u>7</u> Motion for Extension of Time. The City's reply is due by 4/12/2022. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 4/4/2022. (MFM) (Entered: 04/04/2022)
04/12/2022	<u>9</u>	REPLY to Response to Motion re <u>2</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Michael Collins, Amber Grosch, The City Of Rochester, Justin Whitmore. (Campolieto, John) (Entered: 04/12/2022)
06/30/2022	<u>10</u>	DECISION AND ORDER granting in part and denying in part <u>2</u> Motion to Dismiss for Failure to State a Claim. The Eleventh and Twelfth Claims are DISMISSED. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 6/30/2022. (BJJ) -CLERK TO FOLLOW UP- (Entered: 06/30/2022)
06/30/2022	11	TEXT ORDER: Status Conference set for 7/21/2022 03:00 PM before Hon. Frank P. Geraci, Jr. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 6/30/2022. (BJJ) (Entered: 06/30/2022)
07/12/2022	<u>12</u>	MOTION for Extension of Time to File Answer by Michael Collins, Amber Grosch, The City Of Rochester, Justin Whitmore.(Campolieto, John) (Entered: 07/12/2022)
07/13/2022	13	ORDER granting <u>12</u> Motion for Extension of Time to Answer re <u>12</u> MOTION for Extension of Time to File Answer. The City of Rochester Defendants' answer is due 8/30/2022. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 7/13/2022. (MDS) (Entered: 07/13/2022)

07/15/2022	14	TEXT ORDER granting consent motion to adjourn status conference. Status Conference in all protest cases is rescheduled for August 4, 2022, at 9:00 a.m. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 7/15/2022. (BJJ) (Entered: 07/15/2022)
08/04/2022	15	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Status Conference held on 8/4/2022. The Court directs that the parties submit a plan for mediation by 9/23/22. (Court Reporter Brandi Wilkins.) (PR) (Entered: 08/04/2022)
09/26/2022	16	TEXT ORDER: Plaintiffs' Motion for Extension of Time to File Mediation Proposal is GRANTED. Mediation Proposal now due 10/21/2022. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 9/26/2022. (BJJ) (Entered: 09/26/2022)
09/30/2022	<u>17</u>	ANSWER to Complaint by Michael Collins, Amber Grosch, The City Of Rochester, Justin Whitmore.(Campolieto, John) (Entered: 09/30/2022)
10/03/2022		ADR Plan electronically forwarded to attorneys. The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution .(TF) (Entered: 10/03/2022)
10/21/2022	<u>18</u>	Letter filed by Jamia McCuller as to Justin Whitmore, The City Of Rochester, Amber Grosch, John Doe Police Officers 1-200, Michael Collins <i>Plaintiffs' mediation plan for the individual damages cases</i> . (Shields, Elliot) (Entered: 10/21/2022)
11/18/2022	19	TEXT ORDER: The Court has received the parties' proposals for mediation. An in-person status conference to discuss mediation is set for 12/13/2022 at 2:30 PM before Hon. Frank P. Geraci, Jr. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 11/18/2022. (BJJ) (Entered: 11/18/2022)
12/13/2022	21	Minute Entry for proceedings held before Hon. Frank P. Geraci, Jr.: Status Conference held on 12/13/2022. The Court has chosen five mediators to handle the mediation for the various levels of injury: Amanda Williams, Steven Modica, Carol Heckman, Hon. Jonathan W. Feldman and Hon. LaShann DeArcy Hall. The Court will enter a text order setting out the plan and/or schedule for participation in mediation. (Court Reporter Brandi Wilkins.) (PR) Modified on 12/19/2022 (PR). (Entered: 12/16/2022)
12/16/2022	20	TEXT ORDER: As discussed during the December 13, 2022 status conference, Amanda Williams is designated mediator in this case. The parties are directed to promptly meet and confer with the mediator to set the first mediation session. The mediator may attempt to resolve any mediation discovery-related disputes, should they arise. Fees and costs must be part of any final settlement. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 12/16/2022. (BJJ) Clerk to Follow up (Entered: 12/16/2022)
12/16/2022		Administrative statistical entry: this case was referred to the ADR program on 12/16/2022. (JDK) (Entered: 12/19/2022)
12/19/2022		E-Filing Notification: December 13, 2022 Minute Entry amended to reflect that the five mediators chosen will handle the "mediation" for the various levels of injury:... (PR) (Entered: 12/19/2022)
04/14/2023	<u>22</u>	Mediation Certification by Amanda Williams. The case has not settled.(AGW) (Entered: 04/14/2023)
04/17/2023	23	TEXT ORDER: The Court has been notified that mediation is complete without settlement. ECF No. 22. Accordingly, this case is hereby REFERRED to Hon. Marian W. Payson, United States Magistrate Judge, for all pretrial matters excluding dispositive motions. The parties are encouraged to consider consenting to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c). Consent forms are available from the chambers of the Magistrate

		Judge or the office of the Clerk of Court. The parties may give consent to a Magistrate Judge to conduct all proceedings and enter a final order dispositive of each motion; or such consent may be given for a limited purpose such as the disposition of a particular motion that would otherwise be before the District Judge in the absence of such consent. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 4/17/2023. (MFM) (Entered: 04/17/2023)
04/26/2023	<u>24</u>	ORDER (Telephone Scheduling Conference set for 5/24/2023 at 11:20 AM before Hon. Marian W. Payson. <i>Counsel will be provided dial-in instructions by email prior to the conference.</i>) Signed by Hon. Marian W. Payson on 4/26/2023. (KAH) (Entered: 04/26/2023)
05/24/2023	<u>26</u>	SCHEDULING ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Telephone Status Conference set for 1/23/2024 at 11:40 AM before Hon. Marian W. Payson. Dial-in instructions will be emailed to counsel prior to the conference. Mandatory Disclosures due by 6/30/2023. Motions to Join Parties/Amend Pleadings due by 8/30/2023. Fact Discovery to be completed by 4/11/2024. Plaintiff Expert Witness ID due by 5/13/2024. Defendant Expert Witness ID due by 6/11/2024. Expert Discovery to be completed by 7/11/2024. Dispositive Motions due by 9/3/2024. Signed by Hon. Marian W. Payson on 5/24/2023. (KAH) (Entered: 05/24/2023)
05/24/2023	<u>27</u>	Minute Entry for proceedings held before Hon. Marian W. Payson: Telephone Scheduling Conference held on 5/24/2023. Appearances: Elliot Dolby Shields, Esq. and John M. Campolieto, Esq. (CAM) (Entered: 05/25/2023)
09/04/2023	<u>28</u>	AMENDED COMPLAINT <i>on consent of all parties</i> against All Defendants, filed by Jamia McCuller. (Attachments: # <u>1</u> Exhibit Redlined FAC)(Shields, Elliot) (Entered: 09/04/2023)
09/21/2023	<u>29</u>	STIPULATION re <u>28</u> Amended Complaint by Jamia McCuller. (Shields, Elliot) (Entered: 09/21/2023)
10/23/2023	<u>30</u>	CONTINUATION OF EXHIBITS to <u>28</u> Amended Complaint <i>summons requests for FAC.</i> (Attachments: # <u>1</u> Exhibit summons request, # <u>2</u> Exhibit summons request, # <u>3</u> Exhibit summons request, # <u>4</u> Exhibit summons request)(Shields, Elliot) (Entered: 10/23/2023)
10/24/2023	<u>31</u>	Summons Issued as to Raymond Dearcop, Henry Favor, Samuel Lucyshyn, Ralph Montinarelli, Joseph Morabito. (TF) (Entered: 10/24/2023)
11/06/2023	<u>32</u>	STIPULATION OF CONFIDENTIALITY AND PROTECTIVE ORDER. Signed by Hon. Mark W. Pedersen on 11/6/2023. (JB) (Entered: 11/06/2023)
01/05/2024	<u>33</u>	TEXT ORDER: The Court hereby refers this matter to the Hon. Mark W. Pedersen, Magistrate Judge, for all pretrial matters, excluding dispositive motions, in accordance with the Court's prior referral order. ECF No. 23. The Clerk of Court shall amend the caption accordingly. SO ORDERED. Signed by Hon. Frank P. Geraci, Jr. on 1/5/2024. (MFM) Clerk to Follow up (Entered: 01/05/2024)
01/05/2024		Case reassigned to Hon. Mark W. Pedersen. Hon. Marian W. Payson no longer assigned as referral Judge to the case re# 33. (TF) (Entered: 01/08/2024)
01/08/2024		NOTICE: In light of the recent re-referral of the matter to the Hon. Mark W. Pedersen, the telephone status conference set for 1/23/2024 at 11:40 AM before the Hon. Marian W. Payson is CANCELLED. (KAH) (Entered: 01/08/2024)

04/01/2024	<u>34</u>	First MOTION for Extension of Time to Complete Discovery by Jamia McCuller.(Shields, Elliot) (Entered: 04/01/2024)
04/02/2024	35	TEXT ORDER granting Consolidated Motion for Extension of Time to Complete Discovery in cases 6:21-cv-06574-FPG-MJP; 6:21-cv-06708-FPG-MJP; 6:21-cv-06709-FPG-MJP; 6:21-cv-06714-FPG-MJP; 6:21-cv-06717-FPG-MJP; 6:21-cv-06719-FPG-MJP; 6:21-cv-06720-FPG-MJP; 6:21-cv-06763-FPG-MJP; 6:21-cv-06764-FPG-MJP; 6:22-cv-06062-FPG-MJP; 6:22-cv-06063-FPG-MJP; 6:22-cv-06101-FPG-MJP; 6:22-cv-06179-FPG-MJP; 6:22-cv-06180-FPG-MJP; 6:22-cv-06583-FPG-MJP. Amended Consolidated Scheduling Order to be issued. SO ORDERED. Signed by Hon. Mark W. Pedersen on 4/2/2024. (JB) (Entered: 04/02/2024)
04/12/2024	<u>37</u>	Letter filed by Jamia McCuller <i>re discovery deadlines</i> . (Shields, Elliot) (Entered: 04/12/2024)
04/18/2024	38	<p>TEXT ORDER: The Court has reviewed the parties' joint status letter concerning the status of discovery submitted in each of the "protest" cases. The Court's most recent scheduling order included a provision directing the parties' letter to include "proposed deadlines for the City Defendants to provide discovery." The Court adopts the parties' proposed deadline for substantial completion of discovery by May 26, 2024. The Court likewise adopts the parties' proposed deadline of April 19, 2024, for additional paper discovery demands. Further, by no later than May 26, 2024, the parties are directed to submit an additional status update letter on what discovery remains in these cases so that the parties remain on track to complete all discovery by the applicable fact discovery deadline of December 2, 2024.</p> <p>Based on the parties' status letter and communications from City Counsel, the Court understands that these cases involve a massive amount of discovery. Even so, the City may wish to consider hiring a third-party discovery vendor to assist with compiling and handing over discovery to ensure that fact discovery is completed by the deadline of December 2, 2024.</p> <p>SO ORDERED. Signed by Hon. Mark W. Pedersen on 4/18/2024. (JB) (Entered: 04/18/2024)</p>
05/20/2024	39	TEXT ORDER: Case Management Teleconference set for 5/21/2024 at 10:30 AM before Hon. Mark W. Pedersen. Counsel is directed to call 877-402-9753, and enter access code 7137484 at the scheduled date and time using a telephone with a clear audio connection. Further, the use of a speakerphone affects the quality of the sound on the Court's conference system. Therefore, counsel is directed to refrain from the use of a speakerphone during this conference. SO ORDERED. Signed by Hon. Mark W. Pedersen on 5/20/2024. (JB) (Entered: 05/20/2024)
05/21/2024	41	Minute Entry for proceedings held before Hon. Mark W. Pedersen: Scheduling Conference held on 5/21/2024. Appearances: Donald M. Thompson, Esq.; Elliot Dolby Shields, Esq.; Bradley Hoppe, Esq.; Adam M. Clark, Esq.; Patrick B. Naylon, Esq.; Miguel A. Munoz, Esq.; Christopher Noone, Esq.. Parties address <i>Monell</i> discovery in the City of Rochester cases. Briefing Schedule for the City's motion on Monell discovery: Plaintiff's response to the motion/cross-motion and opposition due 7/12/2024; Defense reply to opposition and response to cross-motion due 8/9/2024; Plaintiff's reply to response to cross-motion due 8/30/2024. Amended Consolidated Scheduling Order to be issued. (Court Reporter AT&T Conference.) (JB) (Entered: 05/30/2024)
05/28/2024	<u>40</u>	SECOND AMENDED CONSOLIDATED SCHEDULING/CASE MANAGEMENT ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future

		reference. Direct any questions to the Chambers of the Judge who entered this Order.) Motions to Join Parties/Amend Pleadings due by 8/12/2024. Discovery completed by 2/3/2025. Motions to Compel Discovery due by 3/3/2025. Plaintiff Expert Witness ID due by 3/3/2025. Defendant Expert Witness ID due by 5/30/2025. Dispositive Motions due by 9/30/2025.. Signed by Hon. Mark W. Pedersen on 5/28/2024. (JB) (Entered: 05/28/2024)
07/02/2024	<u>42</u>	First MOTION to Compel <i>Letter requesting conference to discuss anticipated motion to compel</i> by Jamia McCuller.(Shields, Elliot) (Entered: 07/02/2024)
07/03/2024	<u>43</u>	ORDER directing the Clerk of the Court to ENTER DEFAULT under Fed. R. Civ. P. 55(a) against certain Defendants named in the attached order and finding as moot Plaintiff's letter application. (ECF No. <u>42</u> .) Signed by Hon. Mark W. Pedersen on 7/3/24. (Hartsough, Harrison) Clerk to Follow up (Entered: 07/03/2024)
07/05/2024	<u>44</u>	AFFIDAVIT of Service for Amended Complaint on <i>HENRY FAVOR, NASER ZENELOVIC, RAYMOND DEARCOP, RALPH MONTINARELLI, JOSEPH MORABITO, SAMUEL LUCYSHYN</i> served on John Campolieto on 10/24/2023, filed by Jamia McCuller. (Shields, Elliot) (Entered: 07/05/2024)
07/10/2024	<u>45</u>	STATUS REPORT by Jamia McCuller. (Shields, Elliot) (Entered: 07/10/2024)
07/10/2024	<u>46</u>	TEXT ORDER: Discovery Hearing set for 7/11/2024 at 11:30 AM via telephone conference before Hon. Mark W. Pedersen. Call-information was emailed. SO ORDERED. Signed by Hon. Mark W. Pedersen on 7/10/24. (Hartsough, Harrison) (Entered: 07/10/2024)
07/11/2024	<u>47</u>	Vacated per <u>49</u> Case Management Order. DEFAULT JUDGMENT in favor of Jamia McCuller against The City Of Rochester, Amber Grosch, Michael Collins. Signed by Clerk on 7/11/24. (JHF) Modified on 7/18/2024 (JHF). (Entered: 07/11/2024)
07/11/2024	<u>48</u>	Minute Entry for proceedings held before Hon. Mark W. Pedersen: Discovery Hearing held on 7/11/2024. Appearances: Elliot Dolby Shields, Esq., for Plaintiffs; Patrick B. Naylor, Esq., John M. Campolieto, Esq., and Christopher Noone, Esq., for City Defendants, Adam M. Clark, Esq., for County Defendants. Court discusses City Defendant's failure to answer in several of these cases. Court notes it must follow Federal Rules, notwithstanding any tacit understanding the parties had between each other about answer deadlines. City to file motions to resolve this issue in cases where default is to be entered (and cases where late answers were filed). Plaintiff's counsel notes he asked for City Defendants to answer by May 10. All parties present stipulate that ECF No. 78 in Boehner Case, No. 21-cv-6574, is operative pleading and no answer is required to it. City Defendants to produce all outstanding discovery (i.e., discovery already requested or ordered) by no later than August 1, 2024. Court grants Plaintiffs permission to bring motions to compel if discovery is not produced. Parties and Court agree to extended deadlines with respect to motions to amend/add parties and submission of proposed ESI order to the Court. Further hearing set for 8/15/2024 at 9 a.m. via telephone conference before Hon. Mark W. Pedersen. Written order to be issued concerning this conference. (Court Reporter AT&T Conference.) (Hartsough, Harrison) (Entered: 07/11/2024)
07/12/2024	<u>49</u>	CASE MANAGEMENT ORDER. The parties are directed to review this order carefully as it contains deadlines for motions the City Defendants must file, deadlines for

		discovery, and other directives. Unique to this case, this order also DIRECTS the Clerk of the Court to VACATE the default judgment entered in this case and instead enter default pursuant to Fed. R. Civ. P. 55(a). Detailed directions for this may be found in Paragraph 12 of the attached order. SO ORDERED. Signed by Hon. Mark W. Pedersen on 7/12/24.(Hartsough, Harrison) Clerk to Follow up (Entered: 07/12/2024)
07/15/2024	50	TEXT ORDER re <u>49</u> Order. Having reviewed the proof of service provided by Plaintiffs, the Court now directs the Clerk of the Court to enter default under Fed. R. Civ. P. 55(a) against all defendants named in the Amended Complaint. (ECF No. <u>28</u> .) The Clerk should follow the Court's instructions in its earlier Order. (ECF No. <u>49</u> Para. 12.) SO ORDERED. Signed by Hon. Mark W. Pedersen on 7/15/24. (Hartsough, Harrison) Clerk to Follow up (Entered: 07/15/2024)
07/18/2024	<u>51</u>	Clerk's ENTRY OF DEFAULT as to Michael Collins, Raymond Dearcop, Henry Favor, Amber Grosch, Samuel Lucyshyn, Ralph Montinarelli, Joseph Morabito, The City of Rochester, Justin Whitmore. (JHF) (Entered: 07/18/2024)

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